

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re VEECO INSTRUMENTS, INC.	:	Case No.: 7:05-md-01695 (CM)(GAY)
SECURITIES LITIGATION	:	
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THIS DOCUMENT RELATES TO	:	
ALL ACTIONS	:	
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**LEAD PLAINTIFF’S NOTICE OF MOTION AND UNOPPOSED MOTION FOR  
ORDER OF PRELIMINARY APPROVAL OF SETTLEMENT**

PLEASE TAKE NOTICE that, upon the papers to be filed with the Court, Lead Plaintiff, by its counsel Berger & Montague, P.C., will move the Court, before the Honorable Colleen McMahon, United States District Judge, at a date and time determined by the Court, for entry of an Order granting preliminary approval of the proposed settlement on the terms and conditions reflected in a Stipulation and Agreement of Settlement, dated August 16, 2007 (the “Stipulation”).<sup>1</sup>

PLEASE TAKE FURTHER NOTICE that, Lead Plaintiff will rely upon the Stipulation of Settlement and the Memorandum of Law in Support of Preliminary Approval of the Settlement, filed herewith.

A Proposed Form of Order is submitted herewith, Granting Preliminary Approval to the Class Settlement that will provide, among other things, for the following:

1. preliminary approval of the terms of the settlement;
2. approval of the notice of the proposed settlement to be mailed to the Class members;
3. approval of the notice of the proposed settlement to be published;
4. approval of the Proof of Claim and Release forms; and

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<sup>1</sup> Capitalized terms used herein are defined in the Stipulation.

5. the scheduling of a hearing to consider the final approval of the Settlement, any applications by Plaintiffs' Counsel for fees and expenses, and any award to the class representative.

Dated: August 16, 2007

**BERGER & MONTAGUE, P.C.**

By: /s/ Phyllis M. Parker  
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Notice of Motion.wpd